

UNITED STATES BANKRUPTCY COURT  
DISTRICT OF MINNESOTA

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In Re:

Nicholas Cook  
Mellissa Cook  
Debtor(s)

RESPONSE TO MOTION FOR RELIEF  
FROM STAY

Case No 04-43951  
Chapter 7 Case

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TO: Wells Fargo Bank, N.A., by its attorney, Paul A. Weingarden,  
United States Trustee; and all other entities specified in Local  
Rule 1204 (a):

1. Debtors by their attorney, Sheldon M. Vie, move the  
Court for the relief requested below and give notice of hearing.

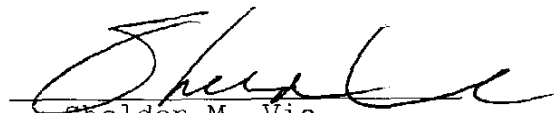
2. The Court will hold a hearing on the motion at 2:30 p.m.  
on September 30, 2004, before the Honorable Nancy C. Dreher,  
United States Bankruptcy Judge, in Courtroom 7 West, 300 South  
Fourth Street, Minneapolis MN 55415.

3. Wells Fargo Bank, N.A. ("Wells Fargo") has alleged  
delinquency in mortgage payments regarding the Debtors'  
homestead. Wells Fargo's Monthly Mortgage Statement dated  
August 30, 2004, lists mortgage payment credited to account on  
August 30, 2004, and doesn't indicate any past due payments.  
Creditor's motion is dated September 7, 2004.

4. Debtors appear not to have been delinquent in payments  
on September 7, 2004. Wells Fargo has waived delinquency by  
accepting a payment(s).

Wherefore, Debtor moves the Court for an order denying Wells  
Fargo's motion for relief from stay.

Dated: September 27, 2004



Sheldon M. Vie  
Attorney for Debtors  
503 Jackson Avenue NW  
Elk River, M 55330  
(763) 241-9376  
Attorney License No 11280X

VERIFICATION

I, Shelden M. Vie. attorney for debtor, named in the foregoing notice of hearing and motion, declare under penalty of perjury that the foregoing is true and correct according to the best of my knowledge, information and belief.

Dated: September 27, 2004

  
Shelden M. Vie

# Monthly Mortgage Statement 08/30/04



Wells Fargo Home Mortgage  
Correspondence  
PO Box 10335  
Des Moines, IA 50306-0335

## Customer Service

Online  
yourwellsfargomortgage.com

Loan Number  
0855667

Phone  
(800) 274-7025

Regular mail  
P.O. Box 6417  
Carol Stream, IL  
60197-6417

Fax  
(704) 329-3393

Overnight mail  
5401 W Kennedy Blvd  
Suite 600  
Tampa, FL 33609

## For Informational Purposes

#BWNDXCT  
#4730000855667084#

000816

NICOLAS R COOK  
13142 8TH AVENUE  
ZIMMERMAN MN 55398-9020



Property address  
13142 8TH AVENUE  
ZIMMERMAN MN 55398

Principal balance as of 08/30/04  
\$146,677.40

Contact Customer Service  
for your payoff balance.

**Important Messages**  
If you wish not to receive a  
statement, please contact us  
at the number above.

## Interest rate

3.375% -

## Interest paid - year-to-date

\$3,746.63

## Taxes paid - year-to-date

\$809.00

## Escrow balance

\$679.77

Payment (Principal, Interest, Escrow)	\$936.00
Optional Product(s)	\$ .00
Current Monthly Payment	\$936.00
Other Payment(s)	\$ .00
Late Charges	\$36.21
Other Charges	\$ .00
<b>Total Payment 09/01/04</b>	<b>\$972.21</b>

## Activity Since Your Last Statement

Date	Description	Total	Principal	Interest	Escrow	Late charge	Other
08/30	PRINCIPAL PMT	\$36.21	\$36.21				
08/30	PAYMENT	\$905.17	\$262.22	\$413.37	\$229.58		

This statement is for informational purposes only and is being provided as a courtesy should you voluntarily decide to make your loan payments. This statement should not be construed as an attempt to collect a debt or a demand for payment contrary to any protections you may have received pursuant to your bankruptcy case.

If your Plan requires you to make regular post-petition mortgage payments directly to the Bankruptcy Trustee, and you chose to maintain your mortgage payments, any payment should be remitted to the Trustee or otherwise in accordance with the Plan you filed with the Bankruptcy court.

If you have received a discharge, and the loan was not reaffirmed in the bankruptcy case, we will only exercise our rights as against the property and we are not attempting any act to collect the discharged debt from you personally.

Wells Fargo Home Mortgage is a division of Wells Fargo Bank, N.A.

12106BKRT 12106BKRT

## For Informational Purposes

**Total Payment \$972.21**

NICOLAS R COOK  
13142 8TH AVENUE  
ZIMMERMAN MN 55398



Please check this  
box if changes are  
indicated on the  
reverse side.

Monthly Payment  
\_\_\_\_\_ x pmt amt \$

Late Charges \$

Additional Principal \$

Additional Escrow \$

Other Charges \$

**Total Amount Enclosed \$**   
(PLEASE DO NOT SEND CASH)

472 Loan Number: 0855667

Customer Service: (800) 274-7025

WELLS FARGO HOME MORTGAGE  
PO BOX 6417  
CAROL STREAM IL 60197-6417



472 0000855667 3 07 00 00093600 00097344 00097221 00093600 1

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DISTRICT OF MINNESOTA

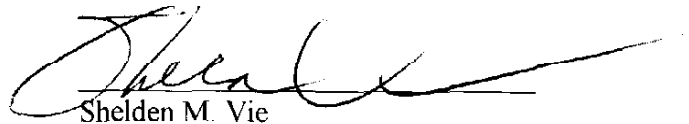
In re:  
Nicholas Cook  
Mellissa Cook

Bky Case 04-43951 Chapter 7

UNSWORN CERTIFICATE OF SERVICE

Debtor(s)

The undersigned hereby certifies that on the 27th day of September, 2004, he served a copy of the attached Response to Motion for Relief from Stay dated September 27, 2004, and by placing said copy in a postpaid envelope addressed to the persons set forth below and on the attached distribution list, at the place and address stated thereon, which is the last known address, and by depositing said envelope and contents in the United States Mail at Elk River, Minnesota.



Sheldon M. Vie

Office of U.S. Trustee  
1015 U.S. Courthouse  
300 South 4th Street  
Minneapolis MN 55415

Terri A. Georgen  
Chapter 7 Trustee  
PO Box 16355  
St. Paul MN 55116

Nicholas and Mellissa Cook  
13142 8th Avenue North  
Zimmerman MN 55398

Paul A. Weingarden  
Attorney at Law and by facsimile to 952 925-5879  
4500 Park Glen Road #120  
Minneapolis MN 55416

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